

AFFIDAVIT OF BERTRAM POLIS

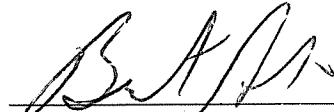
BERTRAM POLIS, being first duly sworn upon his oath deposes and states as follows:

1. That I am an attorney practicing law in the State of Arizona;
2. That I represented Larry Kapp in Case No. CR 1-02-231-1 in Tucson Arizona and Cincinnati, Ohio;
3. That during the course of my representation, I learned from Mr. Kapp, and from the contents of Pretrial Services Bond Violation Report, that Mr. Larry Kapp used various controlled substances, both before and after his release on bond, in the above-entitled case;
4. That I urged Mr. Kapp to stop using controlled substances because I believed continued use would result in a revocation of his \$30,000.00 bond, and would harm his chances for a favorable result at sentencing;
5. That I never told Mr. Kapp to continue to use illegal controlled substances;
6. That I discussed with Mr. Kapp the need for drug treatment and the availability of drug treatment while incarcerated at the Bureau of Prisons including the approved Drug Abuse Prevention Program sponsored by the United States Bureau of Prisons;
7. That I discussed the possibility of as much as much as a year credit toward his sentence if he successfully completed the Bureau of Prisons Drug Abuse Program while in prison;
8. That I never promised him any sentence reduction for successful completion of a drug treatment program while in prison;

9. That I repeatedly warned Mr. Kapp that continued drug abuse while on release would adversely affect the judge's impression of him at sentencing.

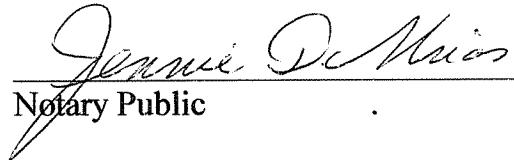
FURTHER AFFIANT SAYETH NOT

DATED: September 8, 2005.


BERTRAM POLIS
Affiant

SUBSCRIBED AND SWORN TO before me this 8th day of September, 2005, by

BERTRAM POLIS.


JENNIE D. URIAS
Notary Public

My Commission Expires:

5-15-06

